

Gary E Kidd ²⁰²²⁰³
Name and Prisoner/Booking Number
Roberts Co Jail
Place of Confinement
11924 BIA 700 PO Box 937
Mailing Address
Sisseton South Dakota 57262
City, State, Zip Code

FILED

MAY - 8 2017

[Signature]
CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
DIVISION

Gary Eugene Kidd
(Full Name of Plaintiff)

Case No. CV 17-1010
(To be supplied by the Clerk)

Plaintiff,

vs.

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

(Full Name of Each Defendant)

- ☐ Original Complaint
☐ First Amended Complaint
☐ Second Amended Complaint

Defendants.

Jay Tasa, Melessia Medberry

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:
a. ☐ 28 U.S.C. § 1343(a)(3); 42 U.S.C. § 1983
b. ☐ 28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).
c. ☐ Other: (Please specify.) _____

2. Name of Plaintiff: Gary E Kidd

Present mailing address: 46482 107th St New Effington S.D 57255
(Failure to notify the Court of any change of address may result in dismissal of this action.)

Institution/city where violation occurred: Roberts County Jail

3. Name of first Defendant: Jay Tasa The first Defendant is employed as:
Sheriff at Roberts County Jail
(Position and Title) (Institution)

This Defendant is sued in his/her: ☐ individual capacity ☒ official capacity (check one or both)

Explain how this Defendant was acting under color of law: Not getting leaks in roof fixed creating unsafe environment, Not having medical procedures in place or followed

4. Name of second Defendant: Melissa Medberry The second Defendant is employed as:
Jail administrator at Roberts County Jail
(Position and Title) (Institution)

This Defendant is sued in his/her: ☐ individual capacity ☒ official capacity (check one or both)

Explain how this Defendant was acting under color of law: Not fixing leaks in roof creating unsafe environment, Not having medical procedures in place or followed

5. Name of third Defendant: _____ The third Defendant is employed as:

_____ at _____
(Position and Title) (Institution)

This Defendant is sued in his/her: ☐ individual capacity ☐ official capacity (check one or both)

Explain how this Defendant was acting under color of law: _____

6. Name of fourth Defendant: _____ The fourth Defendant is employed as:

_____ at _____
(Position and Title) (Institution)

This Defendant is sued in his/her: ☐ individual capacity ☐ official capacity (check one or both)

Explain how this Defendant was acting under color of law: _____

(If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.)

B. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☒ No
2. If your answer is "yes," how many lawsuits have you filed? _____. Describe the previous lawsuits in the spaces provided below.

3. First prior lawsuit:

a. Parties to previous lawsuit:

Plaintiff: _____

(If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.)

C. CAUSE OF ACTION

COUNT I

1. The following constitutional or other federal right has been violated by the Defendant(s): Allowing a unsafe environment And not having proper medical procedures in place
2. Count I involves: (Check only one; if your claim involves more than one issue, each issued should be stated in a different count)

<input type="checkbox"/> Medical care	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Mail
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Retaliation	<input type="checkbox"/> Exercise of religion
<input type="checkbox"/> Excessive force by an officer	<input checked="" type="checkbox"/> Threat to safety	<input type="checkbox"/> Other: _____
3. **Supporting Facts:** (State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do to violate your rights. State the facts clearly in your own words without citing legal authority or arguments).
Sheriff Taser and Mrs Medberry did not fix a leaky roof in a pod where I was housed which resulted in me receiving head, neck, Elbow and tailbone injuries this leak which caused ponds to form in pod had been on going for over a year as I am in their custody this should never had happened their neglect + lack of concern resulted in me receiving injuries to wit I'm still receiving medical care and experiencing headaches and other health issues
4. **Injury:** (State how you have been injured by the actions or inactions of the Defendant(s)).
I received a major concussion, injuries to neck Elbow and tailbone
5. **Administrative Remedies:**
 - a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
 - b. Did you submit a request for administrative relief on Count I? ☒ Yes ☐ No
 - c. Did you appeal your request for relief on Count I to the highest level? ☒ Yes ☐ No
 - d. If you did not submit or appeal a request for administrative relief to the highest level, briefly explain why you did not. _____

COUNT II

1. The following constitutional or other federal right has been violated by the Defendant(s): Lack of medical care procedures and staff in place
2. Count II involves: (Check **only one**; if your claim involves more than one issue, each issued should be stated in a different count)

<input checked="" type="checkbox"/> Medical care	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Mail
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Retaliation	<input type="checkbox"/> Exercise of religion
<input type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input type="checkbox"/> Other: _____
3. **Supporting Facts:** (State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do to violate your rights. State the facts clearly in your own words without citing legal authority or arguments).

I slipped in a pond of water that was from a leaking roof at 6:30 am. I repeatedly ask to see a nurse or doctor. Was informed we are trying not in touch with nurse or sheriff 4 hrs later I was taken to ER and diagnosed with concussion and other injuries. Since that time not seen by any medical staff at this facility. As I am in a relationship with the nurse at this institution, she does not see me in fact I don't feel comfortable with her in charge my medical care in 2 months she has not seen me except once.
4. **Injury:** (State how you have been injured by the actions or inactions of the Defendant(s)).

By undue pain & suffering for not having medical attention available to which I am still suffering
5. **Administrative Remedies:**
 - a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
 - b. Did you submit a request for administrative relief on Count II? ☒ Yes ☐ No
 - c. Did you appeal your request for relief on Count II to the highest level? ☒ Yes ☐ No
 - d. If you did not submit or appeal a request for administrative relief to the highest level, briefly explain why you did not. _____


D. REQUEST FOR RELIEF

State briefly what you want the Court to do for you.

I am asking for \$100,000 for allowing a unsafe environment while in there custody and \$100,000 for lack of medical attention and or staff which resulted in undue pain and suffering to until I am still in pain for a total of \$200,000 I have not been able to perform my usual activities due to my injuries I received due to their neglect

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____
DATE


SIGNATURE OF PLAINTIFF

(Name and title or paralegal, legal assistant, or other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If needed, you may attach additional pages. The form, however, must be completely filled in to the extent applicable.